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# THE ADDRESS

OF THE

## Society of Constitutional Republicans,

ESTABLISHED IN THE CITY AND COUNTY OF PHILADELPHIA,

TO THE

## *REPUBLICANS OF PENNSYLVANIA:*

UNANIMOUSLY APPROVED AND ADOPTED

AT A GENERAL MEETING OF THE SOCIETY IN THE CITY OF PHILADELPHIA,

ON MONDAY, THE 10th OF JUNE, 1805.

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# THE ADDRESS, &c.

FRIENDS AND FELLOW-CITIZENS,

AFTER an arduous contest in support of those principles of civil liberty, to which the Revolution gave birth; during the first period of a triumph, that conferred the Executive and Legislative authority of the nation, upon patriots of our own choice; while the character of the American People, and of their Government, is rising, with unrivalled lustre, in the estimation of the wise and the good throughout the world; and in the ripe season of domestic prosperity, presenting its blessings as the reward of virtue and industry, without distinction of persons, places, or pursuits;—who can hear, without surprize, the cry of social discontent; or view, without apprehension, a spirit of political innovation? But the painful crisis has arrived! Amidst all our inducements to preserve harmony and peace, the standard of discord has been wantonly unfurled. By specious tales of imaginary wrongs, you have been urged to doubt the reality of the happiness you enjoy. In the hope of substituting the glitter of impracticable theories, for the steady light of experience, the fundamental laws and constitutions of the land, are assailed. The wreath of honor, placed by yourselves upon the brow of sages and of chiefs, is rudely violated by strange and obtrusive hands. And the Republican Party of Pennsylvania (out-running the opprobrious prediction of its enemies) seems eager to become the speedy instrument of its own destruction.

The evil, thus distinctly traced, is great; but, Fellow-Citizens, it is not incurable. Reflecting upon the origin and progress of the scheme to subvert our Government, and to degrade our Patriots; the motives, the means, and the number, of its authors and supporters; the very nature of the influence, which has beguiled some honest and respectable Citizens to its aid; and the irresistible force of reason and truth, in developing the fatal consequences, with which it teems; you will be convinced that there is yet safety, by an appeal to the virtue, intelligence and power of the people. In countries, whose over-grown Population, is tainted with crimes, and enervated by want;—

where the inequalities of property and of rank, produce envy, on the one hand, and contumely, on the other; where labour has no excitement for its movements, nor any security for its accumulations; and where, in a struggle, to be emancipated from oppression, the end is deemed a sufficient sanction for all the means, that can be employed to attain it; the smallest spark of Political enthusiasm naturally kindles into a blaze; and the public tranquility is forever held, at the mercy of individuals, sanguine, bold, and aspiring. Far different, however, is the condition of Pennsylvania, where no material change can be projected, without involving the hazard of a material injury; and the People, neither insensible to the bounties of Providence, nor regardless of the dictates of prudence, will hear, examine, and decide for themselves. Encountering this ordeal, the clamour, which has been suddenly raised, must as rapidly pass away; and, like a summer's storm, serve only, by its concussion, to purify and enliven the political atmosphere.

Behold, then, Fellow-Citizens, in the history of the existing crisis, as well the ground of consolation, as the source of your affliction. During the memorable period, in which the Republican party strove to rescue our civil institutions from danger, and to enforce the right of participation, in the service and honours of our country; a principle of concert and conciliation, gave life, and confidence, and effect, to all our plans and operations. But no sooner were the stations of power and patronage, occupied by distinguished Republicans; scarcely had the auspicious inauguration of 1801, been celebrated; nor, indeed, had the toils of the recent conflict, ceased to require relaxation and repose; when symptoms of ambition and intrigue; of jealousy and discontent; of disunion and disorder; awakened the patriotic mind, to a sense of new troubles, and new sorrows. The distinction then became obvious between those Republicans, who had fought for the cause, and those who had only fought for themselves. With some merit, on the score of service, but with more pretension, from the desire of remuneration, a small but active COMBINATION OF MALCONTENTS was formed, to influence, or controul, the measures of Government: And these men (in their career, presumptuous, intrepid, and persevering) have deemed no claim too extravagant to be advanced; no artifice too mean to be employed; no obstacle too great to be surmounted. While they have marked, for popular scorn and suspicion, every other citizen in public employment, their business, and pleasure, and pride, have been the designation of offices for themselves, and the hungry circle of their adherents. The highest have not been above the soarings of their vanity; nor are the lowest beneath the cravings of their indigence. The cabinet of State, and the direction of a Bank; the desk of the Customs, and the bench of a Court; the magistracy of a City, and the clerkships of a Department; contracts for public supplies, and agencies for charitable institutions; military commissions, and medical appointments; have been, alike, the aim, the hope, or the solace, of their labours.

Although the object of the combination, which we deprecate, may be thus regarded as single (the self-aggrandizement of its members) the arts that have been practised to accomplish it, have been numerous and diversified. When the issue of our elections had destined the reins of Government for Republican hands, it was seen and felt, by the genuine friends of the rising administration, that a dignified execution of the trust, would be embarrassed by expectations, which justice could not warrant; by solicitations, which reason was unable to satisfy; and by suggestions, which an enlightened policy could not fail to condemn. The indications of this perturbed and prowling spirit, preceded the first official act of the new Administration; and measures *to be adopted*, were delineated, by a bold and specious anticipation, that offered, in the form of a conjecture, what was meant to be prescribed as a task. While the great body of the Republicans, aware that their position did not afford a view of the whole of the political ground, left the arrangements of State, and the work of reformation, implicitly, to their illustrious Chief and his Associates, the Malcontents pressed with increasing vehemence, on the Councils of the Nation. Sometimes they endeavoured to attract attention, by florid representations of their own personal worth, and civic popularity. At other times, they have sought to elevate themselves, by depreciating the character of every real, or supposed, competitor. On one occasion, you have seen them magnify the hasty opinion of a few inhabitants, of a few Wards of the City, into a deliberate expression of the will of the People. On another occasion, they have been detected in divulging plots, which were never conceived; and in branding as conspirators against the fame and fortunes of the Chief Magistrate, men who would cheerfully expose their lives, for the vindication of his principles, and the advancement of his happiness. The whole machinery of confidential letters, essays upon the state of parties, anonymous hints, admonitions, and accusations, has been set in motion. The petty incidents of private life, and the momentary asperities of private altercation; mutilated scraps of conversation, and sudden ebullitions of passion; have been obtruded, from the recesses of a malignant memory, upon the public ear; and, indeed, it was once vainly thought, that favour might be atchieved, by an attempt to sow the seeds of disunion, even within the hallowed precincts of the Capitol.

But baffled in every scheme, and disappointed in every wish; mortified with contempt, and exasperated by despair; the malcontents resolved to coerce, whom they could not persuade; and to ruin, what they could not enjoy. They quickly, therefore, exchanged the arts of solicitation and deception, for the weapons of denunciation and terror; transferring their principal scene of action from Washington to Philadelphia; where the Press, which had attained a matchless celebrity, under the guidance of its able and upright Founder, was devoted, by its present Proprietor, to all their passions and projects. A few leading members of the General Assembly, honest, perhaps,

but fascinated by the mischievous and glowing speculations of Godwin, were, also, enlisted in their cause; and undertook sometimes to act in the name of the Legislature, just as the malcontents themselves, have always presumed to act in the name of the People. The plausible pretext of a redress of grievances, and a reformation of abuses, naturally operated upon weak, though worthy, men, in a small degree to augment their numbers; while the desperate and the dissolute (to whom any change is preferable to the continuance of order) listened, with delight, to the sound of the Revolutionary tocsin.

Thus composed, and thus prepared, the Malcontents commenced the work of devastation upon our public characters, and public institutions; boasting, without shame, or compunction, that in the prosecution of their designs, the merit of past services should be obliterated; the hope of future usefulness should be blighted; every feeling of friendship, every claim of gratitude, every tie of domestic affection, should be disregarded and subdued. Although they still wore a mask of respect towards the Chief Magistrate of the Union, the members of his Cabinet (the inmates of his heart, as well as the partners in his toil) have been, successively, libelled by their newspaper squibs, or stigmatized in their toasts at a Festival. They have sentenced a Republican majority in Congress, to the grossest imputations of corruption. In terms of unequivocal import, they have charged eleven Republican Senators of Pennsylvania, with perjury, while deciding in a judicial capacity. An opposition to the Candidate, whom they delight to honour, or to a measure, which they are pleased, without consultation, to propose, has never failed to open the sluices of scurrility and defamation, upon Veterans of the Revolution, and Republicans of the day of trial. In the lust of power, in the rage of proscription, the exercise of the equal right of opinion, at Political meetings, has either been over-awed by boisterous menaces; or frustrated by clandestine combinations. The essential rules of discipline, have been violated in the military Corps, to which they belong, while men, wearing the garb, and claiming the name, of Soldiers, have refused obedience, on a political pretext, to the orders of their Commander, leaving him no refuge from intolerable disgrace, but an indignant resignation of his commission. For maintaining the freedom of election (that vital principle of a Republican Government, guaranteed by the Constitution and Laws, against every species of influence and outrage) Republicans have been deprived of petty offices under the City Corporation. Nay, descending to the humblest sphere of persecution, a long list of tried and inflexible Republicans, have been expelled without a hearing, from a Popular Society, charged with the inexplicable crime of suspicion; or attainted of a contumacious opposition, to the election of the Member of Congress, presiding at their expulsion. In short, who has not felt, or does not fear to feel, the goad and the lash of the present usurpation? To the elevation of bad men, the prostration of good men, has always been found a necessary prelude. The *Gironde* of *Brissot*, formed a base for *the mountain of Robespierre*. The worst views of faction, too, are, generally, pursued under professions of the best. And the Citizens of America begin, at length, to perceive, that advantage has been taken of their just veneration for the Liberty of the Press, to shackle them with the tyranny of Printers.

But it early occurred to the Malcontents, that this system of denunciation, could not be supported by the mere weight of their own authority. Many Citizens, who were the objects of their enmity, bore honourable marks of service in the war of Independence; many had grown grey

with the solicitudes of public council; most of them were attached to the soil, by the ties of parentage, of offspring, or of property; and all of them had contributed to the triumph of Republicanism. A generous People may be vigilant, but they cannot be suspicious: before they decide, they will examine; before they inflict punishment, they must be convinced, that there exists guilt. It was natural, therefore, to expect an enquiry, why men, who had been firm and faithful, throughout the gloomy season of privation and suffering, should abruptly abandon their principles and their party, when all was sunshine, hilarity and enjoyment? To escape from the difficulty of answering this question, the Malcontents dexterously raised the phantom of a *Third Party!* It is obvious, however, that while the rapid progress of their denunciation, presents numbers sufficient to constitute an independent Political Corps, their ingenuity has been exerted, in vain, to assign an adequate motive for its formation; nor has their zeal been more successful, in discovering any proof of its existence. For, though the Public have been long amused by a succession of promises, to unveil "treasons, stratagems, and spoils;" what has been heard, in performance of those promises, except the ragings of ambition, and the ribaldry of nick-names? Thus, to oppose a Candidate, pertinaciously nominated by the leading Malcontents, has been deemed an inexpiable *heresy*, although a Republican was his Competitor. A refusal to acquiesce in the decision of the Malcontents at a popular meeting, has been arraigned as *apostacy*, although the decision was surreptitiously obtained. A verdict for the acquittal of Judges, whom the Malcontents had fore-doomed to conviction, has been stigmatized as *political defection*, although it was delivered, in favour of innocence, under the solemnity of an oath. In short, every Freeman, who was unwilling to yield, passive obedience to the mandates of a *Secret Tribunal*, and to sacrifice substantial benefits, for airy novelty; who would not applaud characters, that he did not approve, nor vindicate measures that he never advised; who disdained to carry the prejudices of party into the circles of social life, or to declare all learning, learned men, and good manners hostile to the dignity of Republican virtue; the Malcontents have arbitrarily enrolled as *a Quid*, or *a Federalist*; *a Traitor*, or *a Tory*; involving them all, at last (under the auspices of General STEELE and Mr MITCHEL) in a comprehensive proscription of "THE CONSTITUTIONAL REPUBLICANS." But here, let it be explicitly announced, that if to differ, at this period, in opinion and feeling, in theory and practice, from the Malcontents, can furnish the foundation of *a Third Party*, we shall rather boast, than blush, at the imputation of belonging to it. For, as the Malcontents have widely wandered from the political ground, on which we once acted together, our last, great hope, (repeating the sentiment of 1801) is "an Union of honest men, on the principles, which led WASHINGTON to the field, and placed JEFFERSON in the Cabinet."

Having traced the Malcontents through the windings of sinister intrigue, and personal detraction; we proceed, with encreasing indignation to review their daring and sacrilegious efforts, against the civil institutions of our country. On a vain presumption, that the establishment of their own influence, had been the necessary consequence of undermining the influence of others, it was thought easy to consummate the work of destruction, by employing the same arts to decry principles, which they had hitherto employed to disgrace men. Resorting, therefore, to all that could excite passion, or rivet prejudice; to all that could stimulate fear, or attract credulity; they have exposed the form and the substance of our Government, the code of our laws, the system of our jurisprudence, and the administration of justice, through a false and deceptive medium;

the scorn and detestation of the world. Whatever was prepared for us, by our venerable Ancestors, is ridiculed as obsolete. Whatever is the production of co-temporary wisdom, is branded with corruption. The Patriots of America are supposed to have been ignorant of the true interests of their country; and her Statesmen are reproached, with a treacherous contempt of the rights of man: While the impious and visionary standard of *human perfectibility*, is proclaimed to be the only rational guide, in the formation of a free government; and the Malcontents themselves to be the only qualified Rulers of a free people.

Under the impulse of these dogma, and with a view to the introduction of wild, pernicious, and unheard of, schemes of legislation and politics,

The Malcontents have endeavoured to deprive us of the inestimable right of trial by Jury, in cases of trespass and damages, as well as in cases of debt and contract.

They have endeavoured to deprive us of the security of independent Judges;—of Judges independent of popularity and persecution, as well as of power and patronage.

They have endeavoured to deprive us of the sanctuary of Courts of Justice, where publicity will always ensure impartiality; substituting the private chamber of an individual Justice, where secrecy too often encourages oppression, and begets impunity.

They have endeavoured to deprive us of the Freedom of Election, by a display of the terrors of denunciation and proscription; threatening the good man with a loss of character, and the poor man with a loss of office.

They have endeavoured to deprive us of the Liberty of the Press, by denying to Republicans the usual channels of public communication.

They have endeavoured to deprive us of the honors of a well-organized militia, by flagrant examples of disobedience, contumacy, and disorder.

They have endeavoured to deprive us of the benefits of the Common Law of Pennsylvania, as recognised, approved, and confirmed, by the Whigs of 1776.

They are endeavouring to overthrow the State Constitution, involving in its ruins the order of Society, and the principle of Republicanism.

And, finally, they are endeavouring, through the example and influence of *Pennsylvania*, to subvert the Federal Constitution, at the hazard of civil war, and a dissolution of the Union.

Such, Fellow-Citizens, is the crisis, at which your decision is required, upon the great questions,

Whether a Convention shall be called?

And whether the present Governor shall be re-elected?

The inalienable right of the People, to assemble for the alteration, or abolition, of their form of Government; and the absolute authority of the Citizens, to select whom they please, for their Chief Magistrate, have never been denied, and ought not to be resisted. But the possession of the right and the authority, bespeaks discretion and justice in using them; and it would be disgraceful, as well as destructive, to yield that obedience to the cry of faction, which is due alone to the legitimate voice of the People.

Here, then, let us ask, what is the evidence of the public sentiment,—what is the test of the public interest,—on the important subjects before you? As the late Session of the General Assembly, was drawing to a close, the ultimate plot, to subvert the Constitution of the State, was deemed mature for execution; and measures were, accordingly, taken to obtain signatures to a Petition, for the call of a Convention. But this Petition (and the appeal to the inhabitants of every County for a corroboration of the act) did not originate with the People, in thought, word, or deed; nor has any individual been yet bold enough, to avow himself the presumptuous

author. Issuing, however, from *the Secret Tribunal* of the Malcontents, it was clandestinely and partially circulated, in the remote districts of Cumberland, Washington, Franklin, Northumberland, and Mifflin; while in the city, and the populous middle Counties, it was seen only by a few confidential persons, until the publication of the 28th of February last, in a Newspaper of Philadelphia, made a full disclosure of its contents, to the astonished and insulted Community. The object being merely to catch the semblance of a popular wish for a Convention, and the snare, for that purpose, being thus artfully set, the Malcontents seemed, for a while, to be devoid of every apprehension of a defeat, and openly made arrangements for the enjoyment of a victory. In the House of Representatives, a Grand Committee was appointed to receive *the solicited Petitions.* Before a single Petition was presented, legislative business of great moment (particularly a Bill to alter the law, respecting Contempts of Court) was laid aside, under the declaration of a leading character, that "the approaching Convention, superseded the necessity of acting upon it." The correspondence of the members, in favor of a Convention, invited support from their friends; evidently contemplating an immediate call; and forgetting, that their sacred trust was conferred, to preserve, not to destroy, the Constitution: While the correspondence of their opponents, anxiously claimed an expression of the sense of their Constituents, to avert the danger of an immediate dissolution of the Government. The Press, likewise, prematurely considered the event as realized; for, there, the time of assembling the Convention was actually referred to the month of August; the place of meeting was designated at Harrisburg; and Merchants and Lawyers, men of education and men of wealth, were indiscriminately excluded from the honours of the sitting.

But these visions of disturbed and sickly imaginations, were suddenly dispelled. Our Fellow-Citizens, of every political description, feeling, at length, the necessity of a prompt interposition, hastened to rally round the Constitution, as the ark of their common safety: And now the Malcontents beheld, with terror and dismay, the People, whose name they had craftily assumed, and whose indignation they had justly excited, rising, in the native majesty of their power, and their virtue, to vindicate the dominion of the laws. In the course of a few days, by a spontaneous subscription, the list of Remonstrants considerably exceeded the list of names, which had been collected, during a long, industrious, and secret, circulation of the Petition; and when the Report of the Grand Committee was discussed, the comparative numbers were 4944 Petitioners, and 5590 Remonstrants, exhibiting to the actual view of the Legislature, a majority of 646 against the call of a Convention; independent of thousands who could not transmit their Remonstrances to the seat of Government before the termination of the Session.

Though the Malcontents had themselves appealed to the Community; though they had loudly deprecated every species of resistance to the sense of a majority; and though they did not dare, under such circumstances, to summon a Convention upon their own responsibility, or under the authoritative name of the People; yet, they could not patiently acquiesce in a result, so fatal to their personal and political speculations. The recent expression of the public sentiment, could not be revoked, or suppressed; but they thought it might be evaded. The Freemen of Pennsylvania were, it is true, enjoying liberty, competence, and content; but, it was thought, they might yet be taught to believe, that they were oppressed, indigent, and wretched. The People of Pennsylvania did not wish to alter their Government, as a benefit to themselves; but, it was thought, that they might be induced to alter it, as a favor to *their Friends*

The gratitude, as well as the policy of the State, forbad the degradation of her Chief Magistrate; but, it was thought, that the inconstancy and credulity of human nature, would furnish instruments to accomplish it. To these, and similar, suggestions, can alone be ascribed the extraordinary transactions, which succeeded the failure of the project, for an immediate call of a Convention. The same principle, that commands obedience to the sovereignty of the People, must always ensure respect, towards the depositaries of their authority; but, we can no more regard a few members of the Legislature, as the Legislature itself, than we can regard a few malcontents, as the body of the nation. We saw, therefore, with regret, but we repeat, without apprehension, that even some men, who wore the legislative honors of their country, appeared, at that time, to undertake the direction of the revolutionary engine. The House of Representatives, too, under their influence, assumed a tone of superiority; and, eventually, monopolized the legislative character of the state. For, the memorials recommending, as well as opposing the call of a convention, were addressed to both branches of the General Assembly (to the Senate, as well as to the House of Representatives) but the House of Representatives, alone, received and considered, approved, or condemned; denying to the Senate all information upon the subject, and all participation in the decision. In this paroxism of revolutionary zeal, the report of the grand committee was produced, bearing indelible marks of the disappointment and chagrin of its authors. Contrary to the approved maxims of Republican Legislation, and in contempt of the exclusive right of the People, to originate every change in their government; the report controverts and derides the sentiments of the majority; applauds and enforces the sentiments of the minority; propounds abstract principles, which no honest man will dispute; draws practical conclusions, which no wise man can admit; repudiates the constitution for suppositious abuses, or imaginary defects; and, finally, solicits the agency of a convention, to organize a political MILLENNIUM, upon the ideal scale of human perfectibility!

But here, let us pause for awhile, to recapitulate the various pretexts, which have been used, as a cover for the real designs of the Malcontents; and as an excuse, for the unauthorized interposition of a majority, of one of the Legislative Chambers.

1. It has been said, in general terms of reprobation, that the constitution is defective; but as it would be idle to expect a perfect work, from the hands of imperfect man; the remark carries with it neither censure, nor information. It may certainly be applied to every other form of government, past, or present; and we shall only indulge a pernicious vanity, if we suppose, that it will not be equally applicable to every future effort of human invention. But the constitution of Pennsylvania was constructed on the model of the constitution of the United states, and has itself become a model for the constitutions of several of our sister states. Its basis and its superstructure are, however, pre-eminently democratic; for,

while other constitutions exact the qualification of property from electors, as well as candidates, and transfer the choice of a governor, from the people to a department of the government: the constitution of Pennsylvania establishes the right of universal suffrage, declares every freeman eligible to every office, and reserves for the people themselves, the appointment of their chief magistrate. It embraces, likewise, every principle of liberty, every security for life, reputation, and property, every means of knowledge by the freedom of the press, and every guard against the encroachments of delegated power upon popular rights, or co-ordinate departments, which the wisest statesmen could devise, and the most anxious patriots could desire. Still the constitution of Pennsylvania may be defective: but are the defects such as demand the corrective of a convention? Have they generated calamity, oppression, or disorder? Is there a coincidence of opinion on the points of defect, or the modes of reparation? And do we not incur the risque of losing a constitution, positively good, for the mere chance of obtaining a constitution, hypothetically better? The formation of every social compact, depends upon mutual deference, and conciliatory sacrifices of individual opinion. No System of government was ever approved, in all its parts, by those who framed, or by those who adopted it. And we venture to affirm, that no new system of government, no scheme of modification, or amendment, will ever unite so great a portion of public sentiment and attachment in its favor, as are united in favor of the constitution, under which the people of Pennsylvania now live and flourish.

2. It has been said, in the indefinite expressions of jealousy and alarm, that the delegated powers of the constitution, may be perverted and abused; but this, also, is a remark so general, (embracing equally the legislative, the executive, and the judicial, power) that it strikes at the very existence of civil government. In truth, the use of power is essential to the order and peace of society; and the hazard of its being abused, must, therefore, be encountered. But every well regulated system, while it confers power, exacts responsibility; and no government can, consistently with the other important objects and operations of its institution, be more efficient in this respect, than the government of Pennsylvania. Thus, the members of the House of Representatives must annually account to their constituents. The Senate annually sends one fourth of its members, in regular rotation, to the ordeal of an election. The Executive Magistrate undergoes a triennial investigation of his conduct, at the bar of the people; nor can he enjoy the favors of popularity, beyond a limited period. The Judges are constantly subject to the censorial power of impeachment, and to Legislative Addresses for their removal: while the subordinate officers of the state are amenable to the Governor and (in common with himself and the Judges) may be impeached and dismissed, for misconduct in office. If with such precautions there is not safety in the delegation of power, to what substitutes can we more confidently resort? Let it not be answered

to the direct and constant agency of the people; for, that is impracticable. Let it not be answered, to the exclusive authority of the Legislative Agents of the People; for, we know that Legislative agents, may feel power and forget right, as well as Executive and Judicial Magistrates. But, rather, let us bow with reverence to the decrees of Providence, thus mingling with all its bounties to mankind, a portion of bitterness and alloy.

3. It has been said, in terms of indignation and disgust, that the Constitution tolerates the Common Law; and is, therefore, inconsistent with true liberty, and genuine republicanism. On no occasion has the declamation of the Malcontents betrayed more ignorance, or more wickedness, than in the attempt to despoil this venerable Code of the affections and confidence of the People. In depicting the Common Law, they have ransacked the cells of Monks; they have pillaged the lumber of Colleges: they have revived the follies of a superstitious age; and they have brandished the rigours of a military despotism: but, in all this rage of research, they have forgotten, or concealed, that such things enter not into the composition of the Common Law of Pennsylvania: For, the Constitution tolerates only that portion of the Common Law, which your Ancestors voluntarily brought with them to the wildernsss, as a birth-right; and which the Patriots of the Revolution bestowed upon us, as a Charter of privilege and benevolence. Let us not, therefore, be ensnared by prejudices, nor be deceived by the mere similitude of names. Every nation has its Common Law. The Common Law of every nation, is the accumulated wisdom of its best men, through a succession of ages, settled into known rules, maxims, and precedents. The Common Law of England, stripped of its feudal trappings, is the admiration of the world. The Common Law of Pennsylvania, is the Common Law of England, as stripped of its feudal trappings; as originally suited to a colonial condition; as modified by Acts of the General Assembly; and as purified by the principles of the Constitution. For the varying exigencies of social life, for the complicated interests of an enterprizing nation, the positive acts of the Legislature can provide little; and, independent of the Common Law, rights would remain forever without remedies, and wrongs without redress. The law of nations, the law of merchants, the customs and usages of trade, and even the law of every foreign country, in relation to transitory contracts, originating there, but prosecuted here, are parts of the Common Law of Pennsylvania. It is the Common Law, generally speaking, not an Act of Assembly, that assures the title, and the possession, of your Farms and your Houses; that protects your persons, your liberty, your reputation, from violence; that defines and punishes offences; that regulates the trial by jury; and (in a word comprehending all its attributes) that gives efficacy to the fundamental principles of the Constitution. If such are the nature and the uses of the Common Law, is it politic, or would it be practicable, to abandon it? Simply, because it originated in Europe, cannot afford a better reason to

abandon it, than to renounce the English and the German languages; or to abolish the institutions of property and marriage, of education and religion; since they, too, were derived from the more ancient civilized nations of the world. Messrs. *Jefferson*, *Wythe*, and *Pendleton* declared, in reference to a revision of the code of Virginia (for, all our sister states have adopted the Common Law of England, differing only in the degree and the manner of the adoption) that "*the Common Law* "of England, by which is meant that part of the English Law, "which was anterior to the date of the oldest statutes extant, is "made *the basis of the work. It was thought dangerous to attempt* "*to reduce it to a text;* it was therefore left to be collected from "the usual monuments of it." *(Notes on Virginia, p. 266.)* How chimerical, then, must be the project of calling a Convention, to reduce the Common Law, not to a statutory detail, but to a Constitutional text! How superfluous the trouble, and the expence, since the Legislature itself, already possesses a competent authority to reform every abuse, to remedy every defect, and to controul every operation, of the Common Law!

4. It has been said, that the judges, "under colour of the "Common Law, have exercised the most daring tyranny, and "violated the Constitution and laws of the State;" and hence the necessity of a Convention has, also, been inferred. This assertion appears under the signature of Mr. STEELE, the *President of the Senate.* It involves eleven of his fellow Senators (Republicans of inflexible political and personal integrity) in the imputation of perjury, for voting in favour of the impeached Judges; and it charges those Judges with a crime, for which they had been fairly tried; and of which they had been lawfully acquitted. But we will not enter into a discussion of the question, to which the charge refers, whether the judges of the Supreme Court, have a Constitutional power, to punish *Contempts of Court*, by the summary process of attachment? Nor will we even state the essential distinction, between a wilful violation of the Constitution, which could alone be criminal, and an honest error in judgment, which cannot be imputable, or punished, upon impeachment, as a crime. These might be proper grounds of enquiry in estimating the *truth*, as well as the *decency*, of Mr. *Steele's* publication; but in the abstract enquiry, whether the conduct of the judges, furnishes an adequate cause, for calling a Convention, it is sufficient to observe, that if Contempts of Court, ought no longer to be punished by attachment, the Legislature may, by their own authority, modify, or abolish, the process, without any additional sanction, from a constituent Assembly: And, we presume, that the Malcontents will not avow the design to render a bare majority of the Senate, competent to a conviction on impeachment; lest it should be seen, that the unanimity of a Jury, in other criminal prosecutions, is, also, obnoxious to their views, and equally the object of revolutionary reform.

5. It has been said, that the Constitutional power of appointment to office, bestows on the executive the means of acquiring

a dangerous influence; and that the Constitutional negative of the Governor, upon legislative propositions, has been employed to retard the progress of political improvement. But the power of appointment to office, can only produce a dangerous influence, where those who enjoy it, may be served by gratitude, yet cannot be injured by resentment. In a free, Republican, Government, the power of appointment to office, can never be made a dangerous instrument of personal ambition; since those who exercise it, are as dependent upon the Candidates whom they reject, as upon the Candidates, whom they accept; and the number and activity of the former, will forever exceed the number and activity of the latter. The transactions of the day, evince the truth of this political position. The clamour of discontent is loud and virulent, against the present distribution of offices; and an exercise of the power of appointment, in opposition to particular interests, has, obviously, furnished a signature for invective, and a certificate for imposture. But when it is said, that the Executive ought to be deprived of this power, we should, likewise, be told, where it can more safely, more usefully, be deposited. The secret has not yet been divulged; but, Fellow-Citizens, beware! There is not an honest politician, who, hearing the cabals of elections for Federal Senators, for State Treasurer, for Bank Directors, will readily consent to endanger the purity of the Legislative character, by enlarging the sphere of its patronage, in the appointment to office.

Nor can the qualified negative upon legislative proceedings, however beneficial to the public, advance the popularity, or influence, of the Chief Magistrate. It is a power wisely created, as an additional security, for the preservation of the Constitution, from the encroachments of a Popular Assembly, whose numbers serve, at once, to abate caution, and to diminish responsibility; for the protection of the co-ordinate departments of government, from the absorbing tendencies of legislative authority; and for the prevention of sudden and dangerous innovations, upon the laws and habits of the Community. For all these purposes, you have seen a firm and honourable interposition of the power, during the present administration; but you have, also, seen, that (raising a host, in opposition to an individual) no respect for the power, as vested by the Constitution; no deference for the claims of conscience, as involved in exercising it; no consideration of personal wisdom and worth, as due to the Magistrate himself; nor any sense of decorum, as inspired by his constituents; could deter the Malcontents from resorting to this ground, as the strong hold of their operations, against the official reputation of the Governor. Let it be asked, however, in what instance the power has been found injurious, or inconvenient, to the rights and interests of the People? It has, indeed, sometimes suspended an important decision, 'till the sense of the People could be ascertained. It has sometimes embarrassed an attack upon the principles of the Constitution. It has often produced useful deliberation. And once, at least, it has prevented the disgrace of legislating upon sub-

jects, that belong exclusively to the jurisdiction of another country. But are these effects, of a Constitutional power, that we should approve and encourage ; or, on the contrary, that we should demand a Convention to condemn and to prohibit ? Let the honest and the intelligent Freemen of Pennsylvania, reflect and determine.

These, then, Fellow-Citizens, are the pretexts for raising an artificial tempest, in a season of calm and fruitful prosperity. With these pretexts, men deranged by Utopian theories or corrupted by foreign arts ; men, formed turbulent by nature, or become so from necessity ; men, who delight in confusion, and subsist upon defamation ; idlers, without social attachments ; and politicians by trade ; gathering their scanty numbers into a malignant circle, have scattered envy and malice, fear and suspicion, throughout the land. It was not to be expected, that, indulging a more than Gothic fury, for the demolition of our public institutions, the Malcontents would permit the venerable M'KEAN (who had long laboured for their establishment and preservation), to close his patriotic life in peace. His services and his renown are, indeed, coeval with the dawn of American independence ; for, he is among the few (the lamentably few) surviving members of the illustrious Congress of 1765 ; and in every vicissitude of the war of 1776, he was the firm and efficient servant of his country. But neither these testimonials ; nor all the assiduity since displayed by an enlightened mind, for the public good ; nor the courtesy which age might attract ; nor the gratitude which bounty should command ; have furnished a shield to protect him from obloquy the most unjust ; or from insult the most cruel ! A new order of things, required a new character of men. Those who had contributed to rear the fabric of civil government, could never sincerely be beloved, by those who seek to undermine and destroy it. The first election of Governor M'KEAN was espoused with a zeal that graced the noblest motives ; and the second election was distinguished by an unprecedented majority of the suffrages of a free people. In these movements, however, the Malcontents (as far as their co-operation extended) contemplated their own interests, and not the interests of the community. The well-known name of the Patriot, gave assurance of success on the day of election ; and, it was imagined, the unsuspecting nature of the man, would render him an easy victim to the arts of solicitation and intrigue. For awhile, too, the Malcontents seemed to reap the fruits of their speculation. Much was obtained for personal gratification ; but more to indulge the vanity of a reflected patronage. To prove the first part of our assertion, we refer to the evidence of Commissions and Contracts, of Petitions and Testimonials, on the public files of the Secretary's office ; and, as to the second part, the lapse of time is too short, to have impaired the recollection of the pains, which were taken, to create a popular opinion, that the recommendation of the leading Malcontents, was a certain but an indispensable, passport, to Executive favor. During

that period, every act that the Governor performed, every sentiment that he uttered, furnished a theme for adulation and applause. But the pressure of incessant importunity, the insatiable thirst for place and patronage, could not be forever tolerated or supplied. The leading Malcontents were often here, as at *Washington*, solicitors for the same office; or advocates for different Candidates: All could not succeed, and all, by alternate disappointment, became discontented and hostile. Under these impressions, the designs against the fundamental institutions of our country were conceived; and, at length, the Governor had no other alternative, but openly to renounce the favor of the Malcontents; or tacitly to permit the Constitution to be violated and supplanted, by successive acts of unauthorised legislation. The decision, prompt and unequivocal, was worthy of the Chief Magistrate of Pennsylvania: but, from that moment, his downfall was deemed, by the Malcontents, to be a necessary concomitant of the downfall of our Government. The proper instruments, for so ungracious an undertaking, were speedily put into operation. Because Bills have sometimes been presented for his approbation, which he could not, in his conscience, approve; they have endeavoured to provoke an unwarrantable rupture, between the Legislative and Executive Departments. Because the execution of the laws has been sometimes difficult, and the administration of justice has long been obstructed; they have endeavoured to involve him in the odium of such defects, concealing, that the Legislature alone can supply an adequate remedy. Those, who before extolled him, are now industrious to debase him; and, without enjoying the merit of invention, or feeling the shame of inconsistency, they assail him with a repetition of the very slanders, which, on a former occasion, they had themselves refuted and condemned. He has been surrounded with spies and informers, who, crossing him in his walks of exercise, or obtruding upon his hours of domestic retirement, distort all his actions, and falsify all his words. In this progressive course, the Malcontents, finally, reached the ground of action; and the Borough of Lancaster witnessed, in the same week, the invocation for a Convention, to abolish our Constitution, and the cabal of a Ballot, to degrade our Governor!

It must be remembered, that before the re-election of governor M'KEAN, in 1802, the malcontents had anxiously calculated the chances, in favour of another candidate: but, however sanguine and bold they are in their political temperament, nothing, at that time, had occurred, which could afford the slightest encouragement for the attempt. Nor can it be precisely stated, when their confidence had so encreased, as to produce a determination, to make an experiment, at the ensuing election; since, in the very petition, for calling a convention, they accompany their general objections to *the Executive power*, with these remarkable declarations: "We wish not to be understood, *as insinuating, in the most remote degree, that this power has been abused by the present Executive Magistrate*, &c.

" All we mean, is, that this dangerous power does exist, and " may be exercised, *whenever a less upright and virtuous Go-* " *vernor is in office*, &c." It was manifest, however, as soon as the malcontents were defeated, in the scheme for an immediate call of a convention, that their leaders, in a conclave at Lancaster, had resolved upon the opposition to Governor M'KEAN. After the resolution was taken, the members of the Legislature, who were, also, members of the cabal, appeared, more than usually, solicitous, to procure Justices Commissions, for their friends and partizans ; and it may be, fairly, presumed, that the visit of Messrs. M'Kinney, Montgomery, Steele, &c. of the 21st of March (to which the public are indebted for the exploded Tale of the Clod-hoppers) was connected with the secret plot, to supercede the Executive Magistrate. But the first open display of hostility is to be found in the extraordinary spectacle, which almost instantaneously followed the adjournment of the General Assembly. The Legislature had acquired a habit of electing some of its own body, to the offices of Federal Senator, State Treasurer, and Bank Director; and now the members, who had conspired with the malcontents, on the present occasion (being repulsed in their repeated applications, for permission to use the respectable name of *Muhlenberg*, or of *Heister*) boldly determined, likewise, to make one of themselves a Governor:—an example more dangerous to the rights of the People, more destructive to the purity and independence of the Legislature, than all the imputed imperfections of the Constitution! A meeting of the Republican members, generally, was, accordingly called. Several of the friends of Governor M'Kean, had previously left Lancaster, but many of them attended the meeting. A request was urged, on their part, for information of the cause and design of the meeting; but none was communicated. It was suggested, that an open nomination of candidates should be made ; but the suggestion was disregarded. It was proposed, that the vote should be taken *viva-voce*, and not by ballot; but the proposition was overruled. The truth is, that the members, who were parties to the conspiracy, went to the meeting with their tickets prepared ; and although they intended to give to the proceeding, the influence of their legislative character, they were so ashamed of the act, or so fearful of its consequences, that they could not be induced to add to it, the pledge of their legislative responsibility. The body of Governor *M'Kean's* friends, retired, in disgust, from this mockery and usurpation ; this premeditated outrage upon legislative decorum, and the freedom of election. Though reason, as well as constitutional authority, requires, that every vote given in a representative capacity, should be openly given ; and though the vote on this occasion is described, as the vote of 42 representatives of the people, the members who remained, delivered a prepared and secret ballot, for a new candidate to fill the Executive chair ; leaving their Con-

stituents little more than a conjecture, to designate by whom the injury and the insult have been inflicted.

Having furnished this insidious instrument, for promoting the designs of the Malcontents, the Members dispersed; but the sanction of the legislative character was still necessary, to compleat the spell for ruin and detraction. A Libel was prepared, under the specious title of "An Address of the Members of the General Assembly," and circulated in the form of a Pamphlet, subscribed only by John Steele, and Jacob Mitchell. It was accompanied too with Certificates, of a conversation, noted the very day that it occurred with a view to the present use; but both of the Certificates are inaccurate, and one of them is of doubtful authenticity, as it purports to be written and signed, by a member of the House of Representatives, though it contains a material variance from another representation of that member (asserting here, that the governor said, he would consult "*his own convenience*," while it is asserted elsewhere, that the Governor said, "he would consult *his own conscience*") and as the Certificate itself presents no character of similitude, with the signature, or style, of a genuine letter, from the same member, now in the possession of the public. On the 20th of May, 1805, this Libel was ushered into public notice by a Philadelphia Newspaper, with a preface, declaring, "that it had been reported, and "*unanimously* agreed to, on Thursday evening," the 4th of April last; and plainly intending to convey the idea, that it had been *so unanimously* agreed to, at a second meeting of the persons, assembled the preceding day; when General *John Steele* was appointed Chairman, and *Presley Carr Lane* (who, as a Senator, voting for the acquittal of the impeached Judges, is, himself, an object of the very slander which, it is alledged, he approved) and *Jacob Mitchell* were appointed Tellers. But we beseech you, Fellow-Citizens, to peruse this extraordinary composition with attention, in order to be convinced, from the profligacy of its principles, and the scurrility of its language (as well as from the notoriety of other opposing facts) that it ought not to be deemed the work of any association of your Representatives. In the face of the recent declaration of the Malcontent Petition, that there was no fault to be found with the official conduct of the Governor, the jaundiced author has represented his whole administration, as a tissue of tyranny, favoritism, and error. In contempt of a majority of 30,000 free suffrages, which gave the stamp of merit and approbation to his first period; nay, in immediate contradiction to the concession of the Address itself, "that the administration of that period promised, upon the whole, to be beneficial to the State;" the Governor's transactions, from the first to the last day, are brought into a faithless and malignant review, to decorate the Black-book of the Malcontents. Not only important facts have been suppressed, but the reasons assigned for his conduct, on particular occasions, have been garbled, perverted, and misconstrued. Not only his public agency, but his private honour, has been impeached. Not only his distribution of public offices, but his intercourse in social life, has been invidiously scrutinized. The temper of his mind, and the habit of his manners (long fixed, and known, and respected, by his Fellow Citizens) have been made topics of public discussion and reproach. Nay, epithets have been formed, and words have been selected, for the inhuman purpose of torturing his sensibility, as a Parent and a Friend; 'till, in fine, the Address of the Malcontents has doomed the Veteran Patriot to lament (and others are yet doomed to feel) that although the carcase of *Callender* is no more, his spirit, ungrateful and vindictive, still survives!

We emphatically repeat, Fellow Citizens, that such a composition

ought not, without an express and individual avowal, to be ascribed to any set of men, who are honoured with the confidence of the People. We believe, that the Address never was seen, or read, before it was published, by twenty members of the Legislature; we believe, that there never were ten members assembled at any meeting, which approved and adopted it; and, we are confident, that there is not one member, who is prepared to substantiate the criminal charges, which it contains. We speak not here of charges, which impute to the Governor, as a crime, the conscientious exercise of a Constitutional power. We speak not of charges, which, on the presumption, as it would seem, that the Legislature has already absorbed all the powers of Government, treat as a menace against Legislative authority, the simple declaration, that the Judgment of the Supreme Court, upon a point of law, would be an AUTHORITATIVE decision. We speak not of charges, which convert a deference for legislative opinion, into a contempt of legislative dignity, where the Governor has tacitly acquiesced in the enactment of a law, though he could not positively affix the signature of approbation. We speak not here of charges, which arraign the Executive for not returning Bills with his approbation, or dissent, where the Bills were only presented for his consideration, on the eve of an adjournment of the Legislature. We speak not of charges, which decry a wish to transmit the Constitution unimpaired to his successor, as a symptom of aristocracy and despotism. We speak not of charges, which clamourously condemn the distribution of offices, manifestly because the authors of the charge were not the persons appointed. We speak not of charges, which (forgetting that to be a Governor, is not to lose the affections of a man, nor to be the relation of a Governor, a forfeiture of the equal rights of a Citizen) stigmatize, as extravagant, the grant of three Commissions, to connexions, by blood and marriage, out of the unbounded patronage, which the Executive, for another purpose, is idly said to possess. We speak not of charges, in which Messrs. *M'Kinney* and *Montgomery*, appear as arbiters of elegant manners, and polite conversation. But we speak of *gross charges of official delinquency and corruption*, for which, we trust, the libellous authors will be compelled, at a proper time, and in a proper place, to answer to the offended laws and justice of their country.

1. It is alledged, that an election ticket "was distributed from the Gover" "nor's coach, by two officers of Executive appointment, who accompa" "nied him, and daily held him up as the patron of faction. The attempt" "was frustrated by the force of popular suffrage, and he was driven to di" "avow, only after a defeat, what he had really taken pains to promot" "without success." The charge is denied. We demand the informer and the proof.

2. It is alledged, that the author and abettors of the Address have seen the Governor "employing the whole weight of his opinion, an" "the influence of the officers of his appointment, besides an interferen" "with private Citizens, to procure the extrication of three Judges of th" "Supreme Court from an impeachment, who had, under colour of th" "common law, exercised the most daring tyranny, and violated th" "Constitution, and laws of the State." The charge is denied. We demand the informer, and the proof.

3. It is is alledged, that the Governor asserted, that "he would n" "suffer a Convention to take place:" And, it is insinuated, that meant "to employ arms, or corruption, to prevent it." The charge denied. Let it be said, that the honourable and enlightened informers Messrs. *Montgomery* and *M'Kinney*, seem to prove, that he reprobated (most honest men do) the call of a Convention; and that he said (as every citizen has a right to say) he would firmly resist it; but still we dema

the proof, that, as an Executive Magistrate, he threatened the use of arms, or corruption.

4. It is alledged, that " an Address, for the removal of Judge *Brack-* " *enridge* from office, was presented *by more than two-thirds of each* " *branch of the Legislature* ; and that the Executive has not even deign- " ed to make any communication in reply." The charge is unfounded ; for, we answer,

(1) That the extraordinary nature of the case, merited a very serious consideration. Judge *Brackenridge* informed the House of Representatives, that he had concurred, in the punishment of the offender (who had complained to the House) for a contempt of Court ; and observed, that it might be thought an effect of the bias of party by others, (not that he thought so himself) if his name was not comprehended, with the names of other Judges in the meditated impeachment. The House of Representatives considered the letter of Judge *Brackenridge*, on this subject, as a contempt. They admittted his own acknowledgment, as sufficient proof to involve him in the only punishment, which could follow a conviction, on impeachment ;—the removal from office ; but they would not admit it to be sufficient, to give him the opportunity of explanation, or defence, which upon impeachment they could not refuse. At the very time, therefore, that the House of Representatives were instituting a prosecution against the Judges of the Supreme Court, for punishing a private individual's contempt of Court, by attachment, after a full defence, with a small fine, and a short imprisonment, the Senate and the House of Representatives concurred, in the design to punish Judge *Brackenridge*, without notice, or a hearing, or a trial by Jury, or a trial by impeachment, for a contempt of the Legislature ; degrading him from office ; stripping an aged man and his family of their subsistence ; and fining him to the amount of 2,000 dollars per annum, during his life ! Let Mr. *Steele*, or Mr. *Mitchell*, or all, or any of the authors of the Address, who have called the conduct of the Supreme Court, " the most daring tyranny, and a violation of the Constitution and Laws of the State," find out a precedent, or a name, for such an act as this ! But let us not be surprized, fellow-Citizens, that Governor M'KEAN, who had long administered justice, upon the maxim, " that no man should be condemned unheard," deliberated, before he would acquiesce in an Address, under such circumstances, for the removal of a Judicial officer.

(2) That the Governor possesses a Constitutional discretion, whether he will comply with an address, for the removal of a Judge ; and is no more responsible to the Legislature, for the exercise of that discretion, than the Legislature is responsible to him, for the motives of the application.

(3) That the application for the removal of Judge Brackenridge, was not constitutionally made, and, therefore, could not be lawfully granted. It is true, that the address asserts the application to have been made, *by two thirds of each branch of the Legislature ;* and, it is, also, true that the Constitution requires the application to be so made ; but, in point of real fact, *two thirds of each branch of the Legislature, did not make the application.* Two thirds of *a House*, and two-thirds of *a Branch*, of the Legislature, are distinct things, in the language of the Constitution, and in the meaning of the Constitution, as conveyed by their own Journals. The branch is composed of all its members ; but a majority of the members of a branch constitutes *a House*, for the ordinary

business of legislation. For special purposes, however, (an impeachment, or an address, for removal from office) *the branch*, and not *the house*, is appealed to; and for this plain reason, that the rule of decision should be uniform. For instance, two thirds of the Senate, considered *as a branch* of the Legislature, will, invariably amount to sixteen; but two thirds of the Senate considered as *a House* may vibrate from nine, which is two thirds of the quorum of thirteen, to sixteen, which is two thirds of the whole branch of 24 members. In the case of Judge Brackenridge, the votes for his removal amounted to two thirds of each *House*, but did not amount to two thirds of each *Branch* of the Legislature. The Governor could not, therefore, violate the Constitution, to gratify the wishes, or to resent the injuries, which occasioned the address.

But, Fellow Citizens, it is a more laudable, a more just, and a more salutary task, to turn your attention from this loathsome and ungrateful scene of defamation, to a contemplation of the important services of the Executive Magistrate. It was not manly, or decent, to break open the tomb of departed worth, and to repudiate the memory of a Patriot, to whose honor, the Legislature itself had decreed a public funeral and monument. But, if it is true, that the Governor succeeded to a chair, shattered, tottering, and feeble, from the indiscretion of his Predecessor, to whom are we to ascribe its present efficient and impressive character? There is no state, that boasts a more prompt, faithful, and beneficial, execution of its laws; while as a member of the union, Pennsylvania, has maintained, through the medium of its Executive, with examplary dignity, the principles of federate harmony and confidence. The militia has been an object of our Governor's most assiduous, and successful attention. The discipline, the supplies of artillery, of arms, and of other military equipments, which render our militia pre-eminently respectable, and efficient, may be ascribed to his indefatigable zeal, for the preservation of an institution, on which, he well knows, the people can alone safely rely, for their peace, liberty, and independence. By his care, the Wyomen controversy, which has so long annoyed the peace of Pennsylvania, will, probably, be soon terminated, to the satisfaction of all the parties, and to the honor of the state. The actual settlers, on the Western frontier, owe much to his sympathy and protection, during the litigation of their claims. Agriculture has received his aid, in exertions to extend our roads, and improve our navigable communication. Commerce has been advanced, by his assiduity, in employing the best means to preserve the health of our capitol. Of mechanics and manufacturers, he has been the unaffected friend and patron; and, feeling himself all the blessings of knowledge, he incessantly labours to disseminate the means of education. But why should we advance in this pleasing, though superfluous, delineation of his merit? After fifty years of public life, you must understand the value of

such a man ; and you will not easily submit to be deprived of his services, to see his virtues unjustly obscured, or his honors ungratefully despoiled.

We have now, Fellow-Citizens, traced the origin of the present crisis. We have developed the motives, plans, and operations, of the Malcontents. The trespass upon your time, has been great; but the importance of the occasion must be our excuse. It is an effort to preserve institutions, and men, we know and approve ; against projects which we cannot comprehend, proposed by men, whom we cannot trust: whose object cannot be good, since the means that they employ are evidently bad. It is a cause of Principle, independent of Party. Every man has an interest in the issue, and every man is bound to bear a part in the contest. For ourselves, we think, that it is time, to evince to the world, that a Democratic Republic, can enjoy energy without tyranny, and Liberty without anarchy. It is time to brush from the skirts of the Republican party, the moth that stain the purity of its colour, and feed upon the consistency of its texture. It is time to convince the Malcontents, that their machinations are detected, that their influence is lost, and that their denunciations are despised. For these purposes, the Society of Constitutional Republicans was formed; and when these purposes shall be accomplished, the Society will chearfully cease to exist.

The epoch of their accomplishment, we confidently refer to the next General Election. Let us, then, Fellow-Citizens, implore your co-operation. Prepare with vigilance, and act with firmness. Re-elect our venerable Governor. Exclude from the Legislature, all who have avowed a disposition hostile to the Constitution. Circulate, and transmit to the Secretary's Office, Remonstrances in opposition to a Convention. Communicate your information on the crisis of our public affairs, in repeated meetings, and in every private conversation. Rescue your country from the impending evil, and deserve to be happy.

GEORGE LOGAN, President.

ISRAEL ISRAEL, Vice-President.

SAMUEL WETHERILL, Jun. Secretary.

A. J. DALLAS,
J. B. SMITH,
ISAAC WORRELL,
SAMUEL WETHERILL,
BLAIR M'CLENACHAN,

Corresponding Committee.

Philadelphia, June 10, 1805.

# GOVERNOR M'KEAN

## *And the* TALE *of the*

# CLODHOPPER.

In the *Aurora* of the 29th of March last, the following passages are contained, as part of an Extract from a letter, dated Lancaster the 27th March.

[From the Aurora.]

" You have not been informed wrong, as to the conduct of " the governor ; but what you have been told is very far short " of the whole truth—the facts as I had them from the speaker " are these, he called on the governor to recommend a respec- " table neighbor of his for the magistracy in his county ; when " the governor, *in a strain of indecent and intemperate invec-* " *tive told him that he had already appointed too many ignora-* " *muses ; that the* REPUBLICANS *were a set of clodhoppers, who* " *had no more understanding than Geese, and wondered at their* " *impudence in talking of calling a convention, to alter the consti-* " *tution, which they never did and never could understand ; that* " *he would not allow it, and would take special care to prevent it,* " &c. THE SPEAKER tells me he continued to talk in this style " for fifteen minutes, giving no opportunity either to himself or " to three other gentlemen who were present to answer him ; " and other company coming in the speaker and the other gen- " tlemen took the opportunity to leave him to the company."

The Friends of Governor *M'Kean* requested his Son, to obtain some information, on the subject of this inflammatory publication ; and a letter was written, for that purpose, to Mr. Thompson, the Secretary of the Commonwealth, who communicated the following answer.

Extract of a letter from Mr. *Thompson* the Secretary of Pennsylvania, to *J. B. M'Kean*, Esq. dated *Lancaster* the 2d April, 1805.

" I am not surprised at your solicitude to know the author, and the " truth, of the assertions contained in the extract of the letter, which is

" published in the Aurora, relative to the governor's late interview with " some of the members of the legislature. As to the author, some " say it is the work of ——; others say it is penned by ——; but all " agree it has received some embellishment from the pen of ——. " I will not pretend to decide. It gives more satisfaction to be able to " assure you, that *every man, who was present, declares the publication to* " *be incorrect.* For instance: Mr. SNYDER *himself*, informed me, this " evening, *that the governor, in all his expressions, alluded particularly to* " *the persons, who had signed the petitions for a convention, and the advo-* " *cates of that measure;* and declared, emphatically, that the words, *the* " *republicans are all ignoramuses*, &c. &c. WERE NOT USED *by the gover-* " *nor, in the manner represented in the Aurora.*" Judge HESTON told me " to day, " that Mr. DANIEL MONTGOMERY, who was present, expli- " citly stated, that the word " *Republicans*" was not uttered by the go- " vernor on the occasion; but that his word was " *Agitators*;" which " was, also, the recollection of Mr. SNYDER in his communication to me.

" After all, it is obvious, that the governor spoke his mind to his vi- " sitors, with his usual frankness, on the current topics of the day; and " every man, who has the feelings of a gentleman, will wonder, that there " should be any publication, for party purposes, of an accidental, and " off-hand conversation."

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As the Plot to alienate the affections and confidence of the People of Pennsylvania from their venerable Chief Magistrate, daily developes itself; and this *Tale of the Clodhopper*, seems to be a principal instrument, employed to agitate and mislead the public mind, the Governor has been requested to favor his friends with an explanation, which we have now the satisfaction to lay before our readers.

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MR. DALLAS TO THE GOVERNOR.

MY DEAR SIR,

Of the many extraordinary, and, I may add, ungrateful attacks upon your fame, and feelings, none has excited more general surprize and indignation, than the invective subscribed by Mr. Steele, under the imposing title of an Address, from certain Members of the Legislature, to their Constituents. It is not intended, upon this occasion, to give you the trouble to enter into the defence of a Character, formed by a long life of active patriotism; but, it is desirable, to obtain from yourself (and I am requested by a number of Citizens to obtain) a statement of the conversation, mentioned in the Certificates annexed to Mr. Steele's publication. We are aware of the arts, that have been employed, by disappointed and restless men, to deprive you of the well-earned confidence of your country; and, we suspect, that there is some misapprehension, or misrepresentation, of the subject and terms of the conversation, to which Messrs. M'Kinney and Montgomery allude. Whatever was the fact, we know that you will freely declare it; and, be assured, there are few, even among your personal enemies, who will not be conscious of the weight of an appeal, under such circumstances, to your own veracity.

I am, Dear Sir, with constant respect and attachment,

Your Friend and Humble Serv't.

A. J. DALLAS.

TO THE GOVERNOR.

22d May, 1805.

THE GOVERNOR TO MR. DALLAS.

Philadelphia, May 25th, 1805.

DEAR SIR,

Your favour of the 22d instant I have received, and shall with pleasure communicate to you, as briefly as possible, a statement of the conversation which took place between Messrs. Snyder and M'Kinney and myself, respecting the appointment of justices of the peace, and the project of a convention to form a new constitution: A conversation so light, and so unimportant, that I did not expect, it could, for any good, or any bad purpose, have been mentioned after that day.

These gentlemen called on me in the afternoon of the 21st day of March last, when Mr. M'Kinney, a third time, wished me to appoint Henry Latscha a justice of the peace for the district of Mahonoy; and asked me if Mr. Brunson another candidate, had sent on an additional recommendation. I told him that he had a very respectable one, signed by his neighbours to the number of near an hundred, and also letters from Joshua and John Elder of Dauphin county, John Kean, senator for Dauphin and Berks, Hugh White, a member for Lycoming, and Samuel Stewart, late sheriff of the latter county, together with the warm commendation, of Henry Spiker, a justice of the peace for the county of Northumberland, Jeremiah Simpson, register and recorder for the said county, and Mr. Thomas Cooper, the president of the courts of the circuit. I offered to shew him the papers, and observed, that "these are gentlemen whom I "have long known, and can place confidence in; while, it has been intimated, that your opposition to Mr. Brunson, proceeds from personal motives." Mr. M'Kinney replied, that "he was not influenced by any "personal resentment, but that Mr. Brunson was not the people's choice; "that he was a federalist; and that he had not voted for me or the republicans." I then stated, "that more than thirty of a majority of the people, in the neighbourhood, who recommended Mr. Latscha, had, also, "recommended Mr. Brunson. Beside (I continued) the people of the "neighbourhood are not the only persons, who are interested in the appointment of a justice of the peace, for many others might have business to transact with him; that I was not, therefore, governed entirely "by recommendations from neighbours, but consulted others, respecting "the talents and integrity of every citizen, who was named to me for office; and, upon the whole, regulated myself, in my appointments, by "my own conscience; that although I was responsible to the people for "my appointments, and if I pleased the people it gave me satisfaction, a "disappointment, in that respect, with a good conscience, ought not to "make me miserable; that Mr. Latscha might be a good republican, and "may have voted for me; but these circumstances alone would not justify "me in making *all such* magistrates; for, I believe every *sixth* man would "wish to be commissioned; that I had appointed too many men, on account of their being good republicans, without their possessing (as it has "since appeared) other proper qualifications; and that it would not do, "in justice to the public, or to my own character, to proceed further in this "way." Mr. M'Kinney said, that "he would be sorry, if Brunson should "be appointed; and that he feared many people might lose money by "him." I smiled, and remarked, that "if the sum cognizable by a justice "of the peace was reduced to ten pounds, agreeably to the constitution, "there would be little danger on that score; but, at all events a justice of "the peace, by law, had no right to receive the money belonging to any "suitor." I added, that, "I had already appointed two justices, at the "instance of Mr. Snyder and himself, and, that Mr. Brunson, whom I

had never seen, but who, I was assured, had a knowledge of the German, as well as of the English language, had been represented to me, one of the best scholars in the district." Here the conversation ended ncerning justices.

During this conversation, I held in my hand a newspaper published at rk-town; and, for a change of subject, I adverted to an address contain- in it, from a member of congress to his constituents. It expressed s extraordinary sentiment: "*I am now returned to my plough, but I hall do my utmost at elections, to prevent all men of talents, lawyers and rich men, from being elected.*" Alluding, simply, to the writer of the ad- ess, I observed, ironically, that, "as he is no longer a member of congress, I suppose we shall have him, and other such clodpoles, (or, if hey please, clodhoppers) of the same pernicious sentiments, returned as delegates to the projected convention! Can such men be qualified to legislate, or to form systems of government, for so great a state as Pennsylvania? The memorial (I continued) for calling a convention, was a palpable libel; and the men now attempting to destroy our happy form of government, were weak, mischievous, and wicked. How (I asked) besides, can any man who has a regard to truth, and is not grossly ignorant, sign his name to one, at least, of the assertions in the memorial; "*that the governor of Pennsylvania had as great patronage as the king of England?*" I then enumerated, in derision of the assertion, any of the appointments, which emanate, from the crown of England, d contrasted those, with the offices to which the governor of Pennsylva- a appoints, as the mere agent of the people; and, I think, I dwelt rticularly, rather by way of ridicule, upon the offices of the king's im- ediate household (the lord chamberlain, groom of the stole, lords of the d-chamber, &c.) whose emoluments and numbers, far exceeded those all the civil officers of the state.

The present constitution, likewise, I described to be the production as patriotic, learned, and enlightened men, as, perhaps, ever assem- ed for a similar purpose; and delivered my opinion, that it approached near to perfection, as any that ever did, or now does, exist in the orld. I exclaimed, indeed, "shall a set of clodpoles, and ignoramus- ses overthrow it? No: it cannot be! I will firmly resist it: I will use my utmost exertions, to prevent the danger and the mischief; and I fear not the want of aid and assistance, from all wise and good men." But this exclamation was clearly applied to the newspaper ldress; and to which I, also, alluded in adding, "why are not lawyers and rich men to be as well trusted, in the administration of legal affairs, as any others? Can any man vote for a new law, who is utterly ignorant of the old? What kind of interpretation can he give, who is a stranger to the text, on which he comments! The lawyers are in the perpetual study of morals, and their duties to society; nay, the christian religion is part of the law of the land, which they should read and understand; and surely those, who thoroughly understand, and are governed by, the laws, ought to be esteemed among the wisest and best of men." Towards the conclusion of this conversa- on, Daniel Montgomery came into the room, followed, in a short me, by John Steele, and James Patterson; but to these gentlemen, I id not say *one word*, except in relation to some citizens whom they ished me to appoint justices of the peace, but which I declined to do, nder the impression, that the public convenience did not require it. I ill conclude, by referring you to the Aurora for another misrepre- entation, relating to the interview with Messrs. M'Kinney, Snyder, &c. t is there alledged, in an extract of a letter, dated, Lancaster, March 9th, 1805, that "one of the members (Mr. M'Kinney) had written to

" the governor demanding an *explanation ;* but received no answer." I now send you the original letter; and, you will find, that it does not contain a word, beyond his solicitation, for the appointment of his friend to be a justice of the peace. Be pleased to return Mr. M'Kinney's letter, when you find it convenient.

In haste, I am, dear sir, with sincere attachment,
Your friend and obt. servt.

THOS. M'KEAN.

ALEXANDER J. DALLAS, Esquire.

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In another extract of a letter from Lancaster, published in the *Aurora* of the 2d of April last, the following passage will be found :

" No account yet published, has given an adequate idea of *the indecent* " *insolence of the Governor* TO THE SPEAKER. It seems that General *Steele* " and Mr. *Montgomery*, of the Senate, and Mr. *M'Kinney* and Mr Pat- " terson, Members of the other House, were present. THE SPEAKER " *was so astonished and disgusted, that he took up his Hat and quitted the* " *room, leaving the others there.* One of the Members (Mr. M'KINNEY) *has* " *I understand, written to the Governor,* DEMANDING AN EXPLANATION, " *but received no answer.*"

As the fact, that Mr. M'KINNEY had written a letter to the Governor on the subject of their conversation, could only be known by his own communication, it may be presumed that he, also, represented the letter to be " A DEMAND FOR EXPLANATION." We have, therefore, solicited and obtained permission to publish *verbatim et literatim et punctuatim*, the only letter which Governor M'Kean received, at that time, or on that subject, from Mr. *M'Kinney.*

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Letter of Abraham M'Kiuney, Esq. respecting a justice of the peace in Northumberland county.

" Lancaster March 22d, 1805

Greatest
Respected Friend / I always had the Esteem for you, I always had a Great
A
Beleive of your Wisdom and Entegrity But yesterday Morning When I asked you About Hugh Brunson you told me it Was only from Personal Motives I Apposed Brunson I tell you it is no Such a thing it is for the Publick good that I op posed him James White Brunsons Brotherinlaw Who is a Decided Fedaral though being Acquainted With Cooper and
what
Simpson Got them to Sign it from motives I Cannot tell, now I must
A
tell you as I told you Before I am Shure that Cooper nor Simpson Do not know him As Well as I Do and I Do tell you that he is not Calculated to Serve the Township of Mahanoy James White and the intended Justice Road armel has Persauded the Weaker kind to Recommend Brunson Again White & Brunson Did oppose Your Election When I Was Oblidged to Stand Between you and them though I Say it myself I was the only Person in that Township Who had to Bear the Brint brunt and You Wont Beleive me But Cast it up to me as if I and the Rest knew nothing or that We Did not know how to make Choice of men that Would Best Suit us now I tell you if you Sadle Fedaralist on Us as Justias You Will not oblidge Us Who are decided Republicans from Your
Humble St
—

Abraham MeKinney

Thomas MeKean Esq.
N: B But You Will Oblidge Us if you Commission Henry Latshaw "

The people will now be able to judge for themselves, how far the *Tale of the Clodhopper*, does credit to *the invention* or to *the veracity*, of its authors; and we are persuaded, that every candid Editor of a Republican Press, will rejoice in the opportunity to correct the misrepresentations, or prejudices, which have already occurred.